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UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

CASE NO.: 2012-1277
(Cancellation No. 92054391)

HAL GREENE,

Appellant,

v.

TIMOTHY PITKA,

Appellee.

78/304,408

ENTRY OF APPEARANCE

(INSTRUCTIONS: Counsel should refer to Federal Circuit Rule 47.3. Pro Se Petitioners and Appellants should read paragraphs 1 and 18 of the Guide for Pro Se Petitioners and Appellants. File this form with the clerk within 14 days of the date of docketing and serve a copy of it on the principal attorney for each party.)

Please enter my appearance (select one):

_____ Pro Se X As counsel for: HAL GREENE
Name of Party

I am, or the party I represent is (select one):

_____ Petitioner _____ Respondent _____ Amicus curiae _____ Cross Appellant

 X Appellant _____ Appellee _____ Intervenor

As amicus curiae or intervenor, this party supports (select one):

_____ Petitioner or appellant _____ Respondent or appellee

My address and telephone are:

Name: Terry M. Sanks
Law firm: Beusse Wolter Sanks Mora & Maire, P.A.
Address: 390 North Orange Avenue, Suite 2500
City, State and ZIP: Orlando, Florida 32801
Telephone: (407) 926-7700
Fax #: (407) 926-7720
E-mail address: tsanks@iplawfl.com



04-06-2012

Statement to be completed by counsel only (select one):

X I am the principal attorney for this party in this case and will accept all service for the party. I agree to inform all other counsel in this case of the matters served upon me.

_____ I am replacing _____ as the principal attorney who will/will not remain on the case. (Government attorneys only.)

_____ I am not the principal attorney for this party in this case.

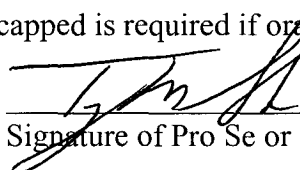
Date admitted to Federal Circuit bar (counsel only): 02/28/12

This is my first appearance before the United States Court of Appeals for the Federal Circuit (counsel only):

X Yes _____ No

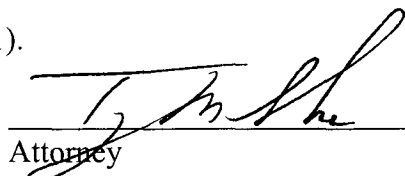
_____ A courtroom accessible to the handicapped is required if oral argument is scheduled.

3 April 2012
Date


Signature of Pro Se or Counsel

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been mailed via Express Mail, this 3rd day of April, 2012 to: Office of the General Counsel, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450; Clerk of Court, United States Court of Appeals for the Federal Circuit, 717 Madison Place, N.W., Washington D.C., 20439; Trademark Trial and Appeal Board, United States Patent and Trademark Office, P.O. Box 1451, Alexandria, VA 22313-1451; Keith Barritt, Fish & Richardson, PC, P.O. Box 1022, Minneapolis, MN 55440-1022. A true and correct copy has also been emailed to counsel for Petitioner at barritt@fr.com as well as filed in the instant cancellation proceeding (cancellation No. 92054391).


Attorney

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT
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Please enter my appearance (select one):

_____ Pro Se X As counsel for: HAL GREENE
Name of Party

I am, or the party I represent is (select one):

_____ Petitioner _____ Respondent _____ Amicus curiae _____ Cross Appellant

 X Appellant _____ Appellee _____ Intervenor

As amicus curiae or intervenor, this party supports (select one):

_____ Petitioner or appellant _____ Respondent or appellee

My address and telephone are:

Name:	<u>Amber N. Davis</u>
Law firm:	<u>Beusse Wolter Sanks Mora & Maire, P.A.</u>
Address:	<u>390 North Orange Avenue, Suite 2500</u>
City, State and ZIP:	<u>Orlando, Florida 32801</u>
Telephone:	<u>(407) 926-7700</u>
Fax #:	<u>(407) 926-7720</u>
E-mail address:	<u>adavis@iplawfl.com</u>

Statement to be completed by counsel only (select one):

X I am the principal attorney for this party in this case and will accept all service for the party. I agree to inform all other counsel in this case of the matters served upon me.

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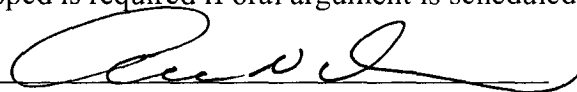
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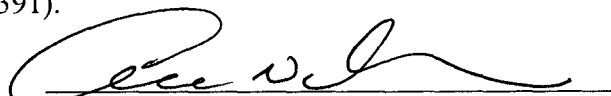
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4/3/2012
Date


Signature of Pro Se or Counsel

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Attorney

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT
CASE NO.: 2012-1277
(Cancellation No. 92054391)

HAL GREENE,

Appellant,

v.

TIMOTHY PITKA,

Appellee.

DOCKETING STATEMENT

This Docketing Statement must be completed by all counsel and filed with the court within 14 days of the date of docketing. When the United States or its officers and agency is a party, this Docketing Statement must be completed by all counsel and filed with the court within 30 days of docketing. All questions must be answered or the statement will be rejected.

Name of the party you represent HAL GREENE

Party is (select one) ☒ Appellant/Petitioner ☐ Cross Appellant
 ☐ Appellee/Respondent ☐ Intervenor

Tribunal appealed from and Case No. Trademark Trial & Appeal Board/Cancellation # 92054391

Date of Judgment/Order December 12, 2011 Type of Case Cancellation Proceeding

Relief sought on appeal: Remand to the TTAB for a ruling on Registrant's 60(b) Motion for Relief from Final Judgment

Relief award below (if damages, specify) Cancellation of trademark

Briefly describe the judgment/order appealed from Order cancelling trademark

Nature of judgment (select one)

☒ Final Judgment, 28 USC 1295

☐ Rule 54(b)

☐ Interlocutory Order (specify type) _____

☐ Other (explain; *see* Fed.Cir.R. 28(a)(5)) _____

Name and docket number of any related cases pending before this court plus the name of the writing judge if an opinion was issued N/A

Brief statement of the issues to be raised on appeal Whether it was proper for the TTAB to cancel Appellant's trademark under the following facts: (1) Appellant was not put on notice of the proceedings; (2) Appellant's failure to update the USPTO with his new address was not willful and constitutes excusable neglect; (3) Appellee had an obligation to use reasonable efforts to determine Appellant's new address; (4) Appellant has a meritorious defense; (5) Appellee will not be prejudiced by the proceedings being reopened; (6) the length of the delay will not significantly impact the proceedings; and (7) Appellant has acted in good faith and diligently upon receiving notice of the instant proceedings.

Have there been discussions with other parties relating to settlement of this case?

☐ Yes ☒ No

If "yes" when were the last such discussions?

- ☐ Before the case was filed below?
- ☐ During the pendency of the case below?
- ☐ Following the judgment/order appealed from?

If "yes" were the settlement discussions mediated? ☐ Yes ☐ No

If they were mediated, by whom? N/A

Do you believe that this case may be amenable to mediation? ☒ Yes ☐ No

If you answered no, explain why not N/A

Provide any other information relevant to the inclusion of this case in the court's mediation program.

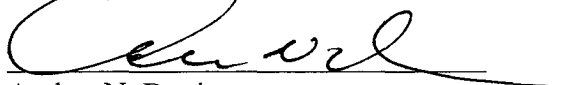
N/A

DATED this 3rd day of April, 2012.

Respectfully Submitted,

BEUSSE WOLTER SANKS
MORA, & MAIRE, P.A.
390 N. Orange Avenue, Suite 2500
Orlando, Florida 32801
Telephone: (407) 926-7700
Facsimile: (407) 926-7720
E-mail: adavis@iplawfl.com
E-mail: tsanks@iplawfl.com
Attorneys for Plaintiff

By:


Amber N. Davis
Florida Bar No.: 0026628

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I filed an original and one copy of this Docketing Statement with the Clerk of the United States Court of Appeals for the Federal Circuit and that a true and correct copy of the foregoing has been mailed via U.S. Mail, this 3rd day of April, 2012 to: Office of the General Counsel, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450; Clerk of Court, United States Court of Appeals for the Federal Circuit, 717 Madison Place, N.W., Washington D.C., 20439; Trademark Trial and Appeal Board, United States Patent and Trademark Office, P.O. Box 1451, Alexandria, VA 22313-1451; Keith Barritt, Fish & Richardson, PC, P.O. Box 1022, Minneapolis, MN 55440-1022. A true and correct copy has also been emailed to counsel for Petitioner at barritt@fr.com as well as filed in the instant cancellation proceeding (cancellation No. 92054391).


Attorney

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

HAL GREENE v. TIMOTHY PITKA,

CASE NO.: 2012-1277
(Cancellation No. 92054391)

CERTIFICATE OF INTEREST

Counsel for the Appellant, HAL GREENE, certifies the following:

1. The full name of every party or amicus represented by me is: Hal Greene
2. The name of the real party in interest (if the party named in the caption is not the real party in interest) represented by me is:

N/A

3. All parent corporations and publicly held companies that own 10 percent or more of the stock of the party or amicus curiae represented by me are:

N/A

4. The names of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or agency or are expected to appear in this court are:

Terry M. Sanks, Esquire (Counsel for Appellant)
Amber N. Davis (Counsel for Appellant)
Beusse Wolter Sanks Mora & Maire, P.A.

DATED this 3rd day of April, 2012.

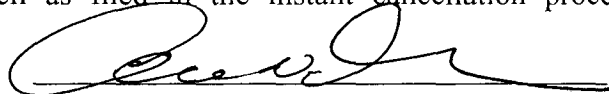
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Telephone: (407) 926-7700
Facsimile: (407) 926-7720
E-mail: adavis@iplawfl.com
E-mail: tsanks@iplawfl.com
Attorneys for Plaintiff

By: 

Amber N. Davis
Florida Bar No.: 0026628

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I HEREBY CERTIFY that I filed an original and one copy of this Docketing Statement with the Clerk of the United States Court of Appeals for the Federal Circuit and that a true and correct copy of the foregoing has been mailed via U.S. Mail, this 3rd day of April, 2012 to: Office of the General Counsel, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450; Clerk of Court, United States Court of Appeals for the Federal Circuit, 717 Madison Place, N.W., Washington D.C., 20439; Trademark Trial and Appeal Board, United States Patent and Trademark Office, P.O. Box 1451, Alexandria, VA 22313-1451; Keith Barritt, Fish & Richardson, PC, P.O. Box 1022, Minneapolis, MN 55440-1022. A true and correct copy has also been emailed to counsel for Petitioner at barritt@fr.com as well as filed in the instant cancellation proceeding (cancellation No. 92054391).


Attorney